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STATE DOCUMENTS

STATE OF MONTANA

DEPARTMENT OF LABOR AND INDUSTRY

HELENA, MONTANA,

December 6, 1963

The Honorable Tim Babcock
Governor of Montana
State Capitol Building
Helena, Montana

Sir:

Persuant to Section 41-1607, Revised Codes of Montana, 1947.

I am herewith transmitting the annual report of the Department of
Labor and Industry.

Very truly yours

J. Maurice Jones

J. Maurice Jones
Commissioner

JMJ/lch

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DEPARTMENT OF LABOR & INDUSTRY 1963 ANNUAL REPORT.

Biennial Budget	\$71,638.00	Budget per year	\$36,824.00
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Personnel

Commissioner, Director of Apprenticeship, Secretary, Fieldman.

Number - wage claims submitted by employees.....	114
" " " carried over from 1962.....	48

Total wage claims acted on.....	162
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Total in dollars claimed by employees.....	\$48,244.43
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Number of wage claims settled.....	91
(16 were carried over from 1962)	

Total in dollars of wage claims settled.....	\$5,709.48
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Number of wage claims referred to County Attorneys.....	32
" " " " " Justice of Peaces.....	4
" " " " " U.S. Dept. of Labor...	6

Number of wage claims where no action was taken.....	18
(no Basis for claims)	

Number of wage claims still pending.....	65
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Total in dollars of pending claims.....	\$20,359.20
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Number of miles traveled investigating claims.....	18,790
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Number of age certificates issued to minors.....	1,003
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Number of Labor Law books issued free.....	127
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Number of accidents to minors reported from this office to U. S. Dept. of Labor.....	934*
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*

These accident reports are forwarded from the Industrial Accident Board.

The Department was given separate status with the passage of the Constitutional Amendment, (Chapter 6, Session Laws, 1949) at the general election, November 7, 1950. (Article XVIII, Montana Constitution). Prior to this it was known as the division of labor and industry, a subordinate office, under the Commissioner of Agriculture, Labor & Industry, the latter created by the act of the legislative assembly in 1897.

THE DUTIES OF THE DEPARTMENT ARE AS FOLLOWS;

The Commissioner is specifically charged by statute with the following general duties.

- (1) To enforce all the laws of Montana relating to hours of Labor, conditions of labor, prosecution of employers who default in the payment of wages, protection of employees, all laws relating to child labor, regulating the employment of children in any manner, and to administer the laws of the state relating to free employment offices.
- (2) To organize the Department, subject to the approval of the Governor, in the manner which he deems necessary properly to segregate and conduct the work of the department.
- (3) To collect, assort, arrange, systemize and present in an annual report to the Governor, on or before the first day of December of each year, statistical details relating to the department in the State of Montana. The annual reports are to be combined and published biennially.
- (4) To sit as a member of the Industrial Accident Board, of which he is treasurer. The Commissioner is also a ex-officio member of the Montana State Apprenticeship Council.
- (5) To prepare statistics and data, and shall publish a report relating to the Commercial, mining, manufacturing and other resources of the state, and such report shall be published and distributed in such form and quantity as in the judgement of said commissioner may be deemed expediant and practicable. All reports sent out shall bear a certificate thereon to the effect that they are issued by the authority of the State of Montana.

(6) To open correspondence with bureaus of emigration, boards of trade and other organizations who are willing to assist in disseminating information in regard to the climate, industries and resources of the State of Montana to the end that such information may become generally available as possible.

(7) The commissioner shall have the power to administer oaths, to examine witnesses under oath, to take depositions or cause to be taken, to deputize any male citizen over the age of twenty one years to serve subpoenas upon witnesses, and to issue subpoenas for the attendance of witnesses before him in the same manner as for attendance before district courts. The commissioner shall likewise have the authority to inspect any mine, factory, workshop, smelter, mill, warehouse, elevator, foundry, machine shop or other industrial establishment, and any person who shall when requested by the commissioner, wilfully neglect or refuse to furnish him any statistics or other information which may be in the possession or under the control of such person, or who shall refuse to obey any subpoena issued by the commissioner, shall be deemed guilty of a misdemeanor and punished accordingly.

The greatest share of the work load is in the investigation of cases involving the default in payment of wages. At present there are two statutes which divide the wage earners into two groups giving preference to oil drillers, miners and men employed in refineries and smelters. Each stipulate a method which takes time to accomplish and with an insufficient staff, weeks go by before action can be taken. All data has to be submitted to the county attorney having jurisdiction and as a whole they are reluctant to proceed. The wage earner is dissatisfied and feels discrimination has been practised against him.

The amount of claims for wages past due, amount collected, etc. are listed on page one.

Hardly any problems are encountered in the child labor situation. The large enterprizes, who employ minors during the summer vacation, comply with the law very well. This is due to the Federal Fair Labor Standard Act which is specific in its child labor provisions. There is very good cooperation between this office and the U. S. Department of Labor, but due to some differences between the state and federal statutes a great deal of confusion exists.

Revisions of several labor laws were introduced into the last legislature by representatives, Thompson of Gallatin and Schye of Meagher Counties. They were killed in the committee on labor and compensation. Recommendations for these revisions have been suggested since 1920. It seems incredible that past legislatures, although repeatedly urged, have failed to take notice of them. Suggested revisions will be forwarded at a later date.

A violation of section 41-701, prevailing wage law, was brought to the attention of the commissioner the last week in May of this year. A letter was dispatched to the contractor bringing to his attention this statute and following his reply a copy was mailed.

The following investigation brought to light these facts:

- (1) The City of Plentywood, the State Fish & Game Dept. and the Soil Conservation Service of the U. S. Department of Agriculture, entered into a joint venture to construct a flood retarding dam north of the city.
- (2) Plentywood bonded itself for \$22,000.00, the Fish & Game Dept. gave \$15,000.00, and the Soil Conservation advanced \$232,000.00 to complete the project.
- (3) The contracting officer was designated as the city attorney for Plentywood and did not include the prevailing wage law in the body of the contract.
- (4) The successful bidder for the contract was the Oilfield Service Co. of Tioga, North Dakota.
- (5) The contractor was paying substandard wages, in many instances the prevailing wage for the area was cut in half.
- (6) The contractor refused to pay those stipulated by law.

The case was referred to the Attorney General's office for action, and legal proceedings were instituted in the court of the fifteenth judicial district. The case was argued on November 8, 1963, and the decision rendered on November 26. The judge dismissed the states case with prejudice. The Attorney General did not see fit to appeal. Facts of the case are on file for reference.

Section 4, Article XVIII, Montana Constitution provides that eight hours shall constitute a days work in all undertakings, occupations and employments except farming and stock raising. This section is practically unenforceable. Reasons why will accompany the recommendations for revision of labor laws previously mentioned.

The regulation of free employment offices has ceased to be a function of this office. The employment office of the unemployment compensation commission has assumed this duty.

Paragraphs (5) and (6) of the general duties are ignored. They were delegated to the State Planning Board upon its creation.

By the enactment of S. H. B. 295, the Apprenticeship Council was again combined with this office. The Directors report from that date follows.

CREATION OF THE COUNCIL.

1.

The Montana State Apprenticeship Council was created as a result of the enactment of Chapter 149, of the 27th Legislative Assembly, (1941).

The Council consists of eight members, three representing employers, three representing employees, and three ex-officio members. The voting members are appointed to three year terms by the Governor of the State of Montana. The present employer representatives are: Mr. Howard W. Bogie, Chairman (Helena); Mr. R. I. Riedesel, (Billings); Mr. K. C. Boulter, (Butte); The employee representatives are: Mr. Roland Bassett, Secretary (Great Falls); Mr. Ray B. Delamater, (Roundup); Mr. E. James Frost, (Havre). Ex-Officio members, who have voice on the Council but no vote are: Mr. Lyle Roeseler, State Supervisor of Trade and Industrial Education, Div. of Vocational Education, State Department of Public Instruction, Mr. J. Maurice Jones, Commissioner of Labor & Industry and Mr. Jess Fletcher, Director of the Montana State Employment Service. In administration of the Montana Act, the Council meets once or twice a year regularly, and at other times when necessary, meetings are held to a minimum, as they receive periodic reports from their Director of the activities of the staff.

FEDERAL LAWS ON EMPLOYMENT OF APPRENTICES.

There are Federal Laws pertaining to the employment of apprentices. For example the employment of apprentices on projects financed in whole or in part by the Federal Government. Such employers and contractors having Federal contracts in Montana must have any apprentices they list on their payrolls, registered at their respective trades, with the Montana State Apprenticeship Council. Before an apprentice can be so registered, there must be an apprenticeship program for the trades involved registered with the Council. If an individual listed as an apprentice on the payroll is not registered, then the employer or contractor must pay that person the journeyman's rate of pay at the predetermined rate.

Basically, however, apprenticeship is a voluntary training program. No penalties are provided for the violation of either State or Federal Laws on apprenticeship; penalties may be provided for other laws effecting the employment of apprentices, but not for the apprenticeship laws themselves.

In addition to the on the job training of apprentices, they are to receive supplemental and related instruction for at least 144 hours per year of the apprenticeship. The terms of apprenticeship range from two to six years, depending on the trade involved. State and local school boards responsible for vocational education have the full responsibility of providing the related and supplemental instruction. Excellent cooperation exists between the Council and Trade and Industrial Education Division of Vocational Education, State Department of Public Instruction. Excellent cooperation exists between the Council and the State Employment Service and its local offices throughout the state. The Selective Service has also been very cooperative by giving deferments to registered apprentices, enabling them to complete their apprenticeship training before being called for military service. This is similar to the deferments granted college students.

The Bureau of Apprenticeship, U. S. Department of Labor on the national, regional, and especially on the state level have assisted and cooperated in every way with the Montana State Apprenticeship Council in promotion and development of apprenticeship training in Montana. This is the way it should be. This requires cooperation, but not duplication of effort. The Montana State Apprenticeship Council is the policy making body and administrator of the apprenticeship system on the state level, with policies and administration consistent with Federal policies and as mentioned before this requires cooperation, but not duplication of effort.

Apprenticeship costs less to the taxpayer than any other form of training. In Montana we spent an estimated \$50.00, per year per apprentice. Compare this with the cost for maintaining a student in the State University System. this is not to indicate that we should be spending less on higher education, but to suggest, that we are neglecting an area of training with an excellent investment-to-yield-ratio.

A trained craftsman can obtain an income from \$5,000.00 to \$10,000.00, a year. The economic potential for the apprentice graduate certainly seems comparable to many college graduates and probably better than most of the large majority of students who fail to complete college.

The apprenticeship system maintains the responsibility of industry (both management and labor) to play the leading role in meeting its skill needs. Since the apprentice is trained on the job, he is exposed to new methods and technology as rapidly as economic and other conditions induce employers to introduce them.

Most of the skilled journeymen who have learned their trades through apprenticeship stay in Montana and contribute to the economic development of the state. The skilled journeyman is a highly paid worker and many are promoted to the status of foreman and superintendents, it is not uncommon for a skilled worker to go into business for himself. He generally owns his own home and pays his proportionate share of taxes. In other words the cost of this program is insignificant in comparison to the returns. It pays for itself over & over again and it is only good business and sound thinking to encourage this type of training.

ATTACHMENT NO. I

LIST OF APPRENTICES IN VARIOUS TRADES

Number of registered apprentices, under joint apprenticeship programs, and individual plant programs, by trade, in Montana, as of November 30, 1963, taken from the records maintained by the Montana State Apprenticeship Council.

Aircraft Mechanic	1	Lens Grinder	1
Auto Body Fender Repair	19	Linotype Machinist	3
Auto Mechanic	26	Lithographer	1
Auto Mechanic, heavy duty	31	Machinist	21
Baker	2	Mailer-Newspaper	2
Blacksmith	1	Meat Cutter	8
Boilermaker	16	Millwright	3
Book Binder	5	Molder	1
Bricklayer	28	Orthotist	1
Business Machine Mechanic	1	Optical Technician	1
Butcher	0	Painter	15
Cabinet Maker	6	Plasterer	1
Carpenter	87	Plumber	61
Combination (Tel. & Tel.)	3	Printer	33
Diesel Mechanic	5	Photo Engraver	2
Draftsman	0	Prosthetist	0
Electrician (Lineman)	78	Pressman	7
Electric Motor Repair	3	Radio Television Repair	2
Farm Equipment Mechanic	3	Refrigerator Pipe Fitter	6
Floor Coverer	5	Sheet Metal Worker	28
Frameman (Tel. & Tel.)	2	Sign Painter	1
Gas Fitter	4	Sterotyper	7
Glazier	6	Switchman (Tel. & Tel.)	2
Inside Electrician	41	Tailor	1
Installer (Tel. & Tel.)	78	Testboardman (Tel. & Tel.)	4
Instrument Maker-Dental	0	Tile Setter	4
Ironworker	27	Upholsterer	2
Lather	1	Web Pressman	3

Total 700

ATTACHMENT NO. 2.

APPRENTICESHIP ACTIONS

January 1, 1963 Thru November 30, 1963

<u>TRADE</u>	<u>New Agreements Registered</u>	<u>Agreements Cancelled</u>	<u>Completion Certificates</u>
Aircraft Mechanic			1
Auto Body Fender	2	4	2
Auto Mechanic	4	6	7
Auto Machinist H.D.	10	3	7
Baker		1	
Blacksmith		1	1
Boilermaker	2		1
Bricklayer	4	3	2
Business Machine	1		2
Cabinet Maker	1	4	3
Cable Splicer			1
Combination Man	2	3	3
Carpenter	28	34	30
C. O. Installer	1	3	3
Dental Technician			1
Desel Mechanic	4	1	
Electrician	38	22	16
Electric Motor Winder		1	1
Farm Equipment Mech.	1	1	1
Floor Layer	3	2	2
Gas Fitter	1		
Glazier	3	2	2
Installer T. & T.	4	6	8
Iron Worker	4	6	
Lineman	4	3	4
Lens Grinder		3	1
Machinist	5	1	4
Mailer	2	1	1
Heat Cutter		2	
Mill wright	2		

ATTACHMENT NO. 2.
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TRADE	New Agreements Registered	Agreements Cancelled	Completion Certificates
Painter	3	2	4
Piping (Refrigeration)	1		
Pipe Fitter	3	1	
Plumber	18	5	7
Printer	9	5	5
Sheet etal	10	3	7
Shoe Rēpairman	1		
Sign Painter		1	
Switchman T. &. T.	2	1	1
Tel. Lineman	3	2	1
Testboard Man T. & T.	2	2	8
Total	179	135	137

